

In re Patent Application of:
ROY ET AL.
Serial No. 10/777,731
Filed: **FEBRUARY 12, 2004**

REMARKS

The Examiner is thanked for the careful examination of the present application. In view of the arguments presented in detail below, it is submitted that all claims are patentable.

I. The Claimed Invention

Independent Claim 1 recites a communications system comprising a plurality of data storage devices, each using at least one of a plurality of operating protocols, at least one data storage device communicating using multiple operating protocols. A plurality of mobile wireless communications devices are for accessing the at least one data storage device, each mobile wireless communications device communicating using at least one of the plurality of operating protocols. The communications system also includes a protocol interface device comprising a front-end proxy module for communicating with the plurality of mobile wireless communications devices using respective operating protocols.

The protocol interface device also includes a protocol engine module for communicating with the plurality of data storage devices using respective operating protocols determining whether a given data storage device of the plurality thereof communicates using multiple operating protocols. The protocol engine module selects a single supported operating protocol for communicating with the given data storage device of the plurality thereof if only a single operating protocol is supported thereby, and selects a desired operating protocol for communicating with

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the given data storage device of the plurality thereof from the multiple operating protocols if multiple operating protocols are supported thereby. The protocol engine module selects the desired operating protocol based upon a ranking of the plurality of operating protocols, the ranking being based upon a number of protocol-supported elements.

Independent Claim 12 is directed to the protocol interface device of Claim 1. Independent Claim 18 is directed to a protocol interface device for interfacing a plurality of communications devices with a plurality of data storage devices, contains similar recitation to independent Claim 1. Independent Claim 24 is a method counterpart to independent Claim 12. Independent Claim 28 is a computer readable medium counterpart to Claim 12.

II. The Claims Are Patentable

The Examiner rejected independent Claims 1, 12, 18, and 22 over the combination of Poor et al., Marl et al., and Natarajan. Poor et al. discloses an intermediate server or system having knowledge of application program protocols used by the application programs on a user's wireless device. The intermediate server receives information communicated from the device via a transport level protocol. This information is subsequently transmitted by the intermediate server to a remote server or system that services the application or program in use by that person, in accordance with the appropriate single communication protocol used by that remote server or system.

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Marl et al. was cited for the general concept of determining whether an e-mail server is compatible with multiple protocols. Natarajan et al. was cited for the general concept of selecting a protocol when a server supports multiple protocols. In particular, Natarajan was cited as disclosing the claimed element (recited in independent Claim 1) of the protocol engine module selecting the desired operating protocol based upon a ranking of the plurality of operating protocols, the ranking being based upon a number of protocol-supported elements.

Applicant previously argued that Natarajan, and thus the combination of Poor et al., Marl et al., and Natarajan fails to disclose this claimed feature. In response, the Examiner asserted that col. 3, lines 49-58 of Natarajan specifically lists the user of functions that a protocol may support being used to rank protocols. Applicant respectfully disagrees. Col. 3, lines 49-58 of Natarajan are reproduced below for the Examiner's convenience.

If the user wants to specify that certain protocol be used under certain circumstances, the user sets the configuration 26 at the client. The configuration includes properties that relate to the use of the protocols. The user specifies how the protocols should be used by setting these properties in the configuration. For example, if the user wants to specify that all communications must be transmitted over a secure protocol, the user sets the always_secure property. Another property, called always_proxy, indicates that all communications must pass through the gateway.

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This cited portion of Natarajan does not disclose ranking a plurality of operating protocols based upon a number of protocol-supported elements. Rather, it discloses user configuration of how protocols should be used. This is the selection of protocols based upon a user preference for the use of a certain protocol under a certain circumstance, and not based upon a number of protocol-supported elements. A user indicating a preference for a certain protocol in a certain circumstances in no way discloses the rank of protocols based upon a number of protocol-supported elements. In fact, the selection of a certain protocol for use in a certain circumstance may not be based on protocol-supported elements at all. When viewed in this light, it can be seen that no fair reading of Natarajan discloses the protocol engine module selecting the desired operating protocol based upon a ranking of the plurality of operating protocols, the ranking being based upon a number of protocol-supported elements.

Since neither Poor et al. nor Marl et al. provide this critical deficiency of Natarajan, the combination of Poor et al., Marl et al., and Natarajan fails to disclose the protocol engine module selecting the desired operating protocol based upon a ranking of the plurality of operating protocols, the ranking being based upon a number of protocol-supported elements. Accordingly, independent Claim 1 is patentable over the combination of Poor et al., Marl et al., and Natarajan. Independent Claims 12, 18, and 22 contain similar recitations and are patentable for the same reason. The dependent claims, which

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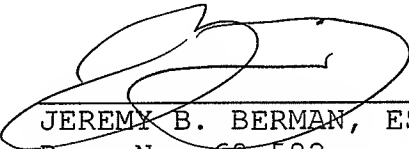
recite yet further distinguishing details, are likewise patentable and require no further discussion herein.

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CONCLUSION

In view of the arguments provided herein, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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